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Patent
Case No.: 57287US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: GONZALEZ, BERNARD A.
Application No.: 10/044441 Group Art Unit: 1744
Filed: January 11, 2002 Examiner: Brad Y. Chin
Title: ELECTRONIC READER FOR STERILIZATION MONITORS

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

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Date

March 15, 2005

Signed by: Carrie M. Arcand

Dear Sir:

This is in response to the non-final Office Action, dated December 20, 2004, in the above-identified application. Further examination of the application is requested.

This Amendment is believed to be timely submitted, and it is believed that no fee is due. In the event a fee is required, please charge the fee and any additional fees to Deposit Account No. 13-3723.

Application No.: 10/044,441

Case No.: 57287US002

embodiments to compare the sample spectral curve with the reference curves to find a best fit (see col. 17, line 61 through col. 18, line 62).

Nothing in Kirckoff can be said to teach or suggest the system of the present invention. Nothing in Kirckoff teaches or suggests a system for determining the efficacy of a sterilization process wherein the system communicates that determination to a remote location, and wherein the system comprises a sterilization sensor comprising an indicator that undergoes an optical change when exposed to an efficacious sterilization process, and a reader adapted to receive the sterilization sensor and wherein the reader (with the sensor retained therein) is adapted for inclusion within packs of goods to be sterilized and is capable of withstanding sterilizing conditions multiple times and through multiple uses.

For at least the foregoing reasons, Kirckoff does not teach each and every element of the present invention, as set forth in the pending claims 1 and 3. Accordingly, Applicant now requests the withdrawal of the Office's §102 rejection of claim 1 and 3.

§103 Rejections

Claims 2, 4 and 5 were rejected under 35 USC §103(a) as being unpatentable over Kirckoff. Applicant notes that claims 2, 4 and 5 are dependent from claim 1. For the reasons set forth above, claim 1 is believed to be allowable over Kirckoff. Consequently, dependent claims 2, 4 and 5 are also believed to be allowable based on their status as depending from claim 1. The withdrawal of this rejection is now requested.

Method claims 6-8 were rejected under 35 USC §103(a) as being unpatentable over Joslyn (US 3,982,893) in view of Kirckoff. Joslyn describes an apparatus comprising sensor elements and a radio transmitter capable of continuously monitoring a sterilization affecting environmental condition such as the concentration of the sterilizing gas or the temperature of the environment to which the sensor is exposed (see, e.g., col. 3, lines 4-11). Joslyn provides a an active monitor for continuously monitoring environmental conditions occurring within a

Application No.: 10/044,441

Case No.: 57287US002

sterilization chamber and transmits the information to a controller which can make any necessary changes to bring the sterilization conditions back to within their optimum conditions. Nothing in Joslyn teaches or suggests the passive monitoring method of the present invention which comprises placing a sterilization sensor in a reader and the reader within a package of goods, subjecting the package to sterilization and thereafter interrogating the reader to determine whether an optical change has occurred on the indicator without opening the package. The present invention specifically describes and claims a passive indicator system and a use thereof wherein the system is adapted for inclusion within packs of goods to be sterilized, exhibits a chemical resistance capable of withstanding sterilizing conditions multiple times and through multiple uses and which provides a color change that can be read remotely. Moreover, the teachings of Kirckoff do not make up for the deficiencies of Joslyn. As noted, Kirckoff does not teach or suggest the inclusion of an indicator within the reader and Kirckoff's sophisticated equipment contemplates a processor capable of performing multiple tasks and functions but not suited for the inclusion within the package of goods to be sterilized.

Applicant has endeavored to address all of the issues raised in the recent Office Action. It is believed that the pending claims are in condition for allowance, and the allowance of all pending claims is respectfully solicited.

Respectfully submitted,

March 15, 2005
Date

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